

REMARKS

Reconsideration of the application is respectfully requested.

Claims 1, 3-5, 13-15, and 20-21 are currently rejected in this application. Claims 1, 10, 13, and 20 have been amended, and Claims 3-6, 14-16, 19, and 21 have been cancelled. Applicant asserts that no new matter has been added with these amendments.

Applicants' Response to 35 U.S.C. § 103 Rejection

In the Office Action, Claims 1, 3, 20, and 21 were rejected under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent No. 3,599,769 to Gardella (Gardella) in view of U.S. Patent No. 6,419,070 to Agnoff (Agnoff). Claims 3 and 21 were cancelled rendering the rejection to Claims 3 and 21 moot.

Applicants have amended Claim 1 to incorporate the subject matter of allowable dependent Claim 6, including all of the limitations of intervening Claims 3-5. Applicants believe this amendment obviates the rejection of Claim 1; and therefore, reconsideration is respectfully requested.

With regards to Claim 20, Gardella discloses a stationary race 6 being partially nested within rotating race 7. In the main embodiment, no conveyor medium is disclosed. At column 2, lines 18-22, a conveyor belt 13 may be used. As shown in Figure 5, the conveyor belt 13 has a greater width than the rotating race 7 and the stationary races 6. In combining Agnoff with Gardella, the stationary race 6 of Gardella is formed with a larger diameter. However, the conveyor belt 13 still overlaps this structure. Agnoff does not disclose any conveyor belt configuration.

Claim 20 recites that the first and second hollow tubes are "spaced from the conveyor medium". This is now shown or disclosed in Gardella or Agnoff. With this configuration, the hollow tubes are not engaged by the conveyor medium, thus avoiding possible damage thereto.

Application No.: 10/791,847
Office Action mailed June 18, 2008
Attorney Docket No.: 669-159 RCE
Page 7 of 10

Applicants believe this amendment obviates the rejection of Claim 20. Support for the amended Claim 20 is presented on page 7 lines 11-20 of the specification. Thus, the amended Claim 20 adds no new subject matter.

Applicants respectfully note that in order to support a claim of prima facie obviousness, the cited references must teach or suggest each and every element of the invention, and there must be a basis for combining the reference and the prior art as suggested. However, at no point do Gardella or Agnoff, alone or in combination, teach or suggest the above-mentioned features required by Claim 20.

Therefore, applicants respectfully submit that Claim 20 contains patentable subject matter, and it is respectfully requested that the rejection of Claim 20 be reconsidered and withdrawn.

In the Office Action, Claims 4-5 were rejected under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent No. 3,599,769 to Gardella (Gardella) in view of U.S. Patent No. 6,419,070 to Agnoff (Agnoff) further in view of U.S. Patent No. 6,443,295 to Hill (Hill). Claims 4-5 were cancelled rendering the rejection moot.

In the Office Action, Claims 13-15 were rejected under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent No. 3,599,769 to Gardella (Gardella) in view of U.S. Patent No. 6,419,070 to Agnoff (Agnoff). Claims 14-15 were cancelled rendering the rejection of Claims 14-15 moot.

Applicants have amended Claim 13 to incorporate the subject matter of allowable dependant Claim 16, including all of the limitations of intervening Claims 14-15. Applicants believe this amendment obviates the rejection of Claim 13; and therefore, reconsideration of Claim 13 is respectfully requested.

Allowable Subject Matter

Applicants note with appreciation that at page 4 of the Office Action, Claims 6-12 and 16-19 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Accordingly, while not acceding to the propriety of any claim rejections over prior art set forth in the Office Action, Applicants have rewritten Claims 1 and 13 so as to expedite the prosecution of this application towards allowance.

Specifically, independent Claim 1 has been rewritten to incorporate the subject matter of dependant Claim 6, including all of the limitations of intervening Claims 3-5, and Claims 3-6 have been cancelled. Similarly, independent Claim 13 has been rewritten to incorporate the subject matter of dependant Claim 16, including all the limitations of intervening Claims 14-15. In addition, Claim 19 has been cancelled. Accordingly, Claims 1 and 13 are in condition for allowance.

CONCLUSION

Claim 1 had been amended to incorporate the subject matter of allowable dependant Claim 6, including all of the limitations of intervening claims 3-5, and Claims 3-6 have been cancelled. Similarly, independent Claim 13 has been amended to incorporate the subject matter of allowable dependant claim 16, including all the limitations of intervening Claims 14-15. Accordingly, Claims 1 and 13 are in condition for allowance. Moreover, it is assumed that all claims that depend on Claim 1, which include Claims 7-13, and all claims that depend on Claim 13, which include Claims 17-18, are also in condition for allowance based on their dependence on allowable Claims 1 and 13.

Furthermore, the amendment and remarks regarding Claim 20 put it in condition for allowance.

Application No.: 10/791,847
Office Action mailed June 18, 2008
Attorney Docket No.: 669-159 RCE
Page 9 of 10

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Having responded in full to the present Office Action, it is respectfully submitted that the application is in condition for allowance. Favorable action thereon is respectfully solicited.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication, or credit any overpayment, to Deposit Account No. 08-2461. Such authorization includes authorization to charge fees for extensions of time, if any, under 37 C.F.R. § 1.17 and also should be treated as a constructive petition for an extension of time in this reply or any future reply pursuant to 37 C.F.R. § 1.136.

Application No.: 10/791,847
Office Action mailed June 18, 2008
Attorney Docket No.: 669-159 RCE
Page 10 of 10

Should the Examiner have any questions or comments concerning the above, the Examiner is respectfully invited to contact the undersigned attorney at the telephone number given below.

Respectfully submitted,

A handwritten signature in cursive script, reading "Angela Mae Coxé", is written over a horizontal line.

Angela Mae Coxé
Registration No.: 60,841

Attorney for Applicant(s)
HOFFMANN & BARON, LLP
6900 Jericho Turnpike
Syosset, New York 11791
(973) 331-1700